(3)

(1)

माननीय छत्तीसगढ़ उच्च न्यायालय, बिलासपुर (छ. ग.)

(एम. ए. नम्बर 609 /2005) SINGLE BENCH

अपीलार्थी

अनावेदक क्रमांक-3, ... नेशनल इंश्योरेन्स कम्पनी लिमिटेड,
द्वारा/ शाखा प्रबंधक,
शाखा कार्यालय,
राजनांदगांव
जिला राजनांदगांव

- विरुद्ध -

उत्तरवादी-गण

आवेदिका क्रमांक-1 ... 1- कुमारी के0 अर्चना राव
पुत्री के0 शंकर राव
आयु 17 साल,
द्वारा सरक्षंक वली पिता के0 शंकरराव
आत्मज गंगाराव, आयु 50 साल,
तेलगू, निवासी भगत सिंह चौक,
डोंगरगढ़, जिला राजनांदगांव

P.R. No. 1004/05
Presented by Shri Ramanand Kr. Gupta
dated 11.04.05

उत्तरवादीगण

अनावेदक क्रमांक-1 तथा 2...2- केशरसिंह मरकाम आत्मज अभिमन्यू सिंह
आयु 35 साल, जाति गोड़
निवासी औंधी, जिला दुर्ग

3- प्रबंधक,
एम0पी0 स्टेट सिविल सप्लाईज
बलदेव बाग, राजनांदगांव (छ. ग.)

अपील अन्तर्गत धारा 173 मोटर व्हीकल एक्ट

न्यायालय प्रथम अपर मोटर दुर्घटना दावा अधिकरण राजनांदगांव द्वारा क्लेम प्रकरण क्रमांक 26/2003 में पारित अधिनिर्णय दिनांक 17/03/2005 के विरुद्ध अपील.

अपील मूल्यांकन 48,220=00 रूपये

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.No.609/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29/06/2005

Shri Shrikumar Agrawal, Sr. Advocate with Shri Anand Gupta, Advocate for the appellant.

Heard on admission and M.C.P.No.773/2005.

Respondent No.1 met with an accident on 10/12/2002. Respondent No.2 driving Truck No.CG-08 B/0244 by rash and negligent manner dashed respondent No.1 who sustained various injuries. The said Truck was owned by respondent No.3 and was insured with appellant. Respondent No.1 filed an application under Section 166 of the Motor Vehicle Act for compensation on account of various injuries received by her in the accident. Appellant/Insurance Company denied the claim and pleaded that at the time of accident respondent No.2 – Kesar Singh, who was driving the vehicle had no valid driving licence, therefore, the vehicle being driven in contravention of the condition of Insurance, does not enjoin the appellant/Insurance Company, liable to pay the compensation.

Learned Tribunal considered the objection at length and also evaluated the evidence adduced by the appellant to support its contention and held that the appellant/Insurance Company failed to prove that at the relevant time, respondent No.2 – driver had no

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

driving licence. After due appreciation of evidence, an award of Rs.48,220/- vide impugned order dated 17/03/2005 had been passed by the Claims Tribunal against the appellant/Insurance Company and respondents No.2 and 3.

Appellant/Insurance Company has challenged the finding of Tribunal, who held that appellant failed to prove that at the relevant time respondent No.2-Driver had no valid driving licence.

A copy of award dated 17/03/2005 passed in Case No.26/2003 has been annexed to the memo of appeal. From perusal of the award, it is apparent that the Tribunal in para 9 of the award discussed the relevant evidence.

It is evident that the disputed licence was renewed by R.T.O., Rajnandgaon and issued from Ganganagar. No investigation has been taken place at Ganganagar or Rajnandgaon and no report from these places has been obtained to establish that the disputed licence is false or fabricated. Therefore, learned Tribunal rightly held that appellant failed to establish that at the relevant time, respondent No.2-Driver had no valid driving licence.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.609/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Raju	The appeal is liable to be dismissed and is accordingly dismissed. In the light of the above order, M.C.P.No.773/2005 and 1397/2005 stand disposed of. **Sd/-** **V.K. Shrivastava** **Judge**	

(पीछे देखिये)